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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/805,909

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Steve A. DeLuca

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10/17/2008

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EXAMINER

HAILU, TADESSE

ART UNIT

PAPER NUMBER

2173

MAIL DATE

DELIVERY MODE

10/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/805,909	Applicant(s) DELUCA ET AL.	
	Examiner TADEESE HAILU	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-26 and 29-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-26 and 29-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is responsive to the amendment filed with RCE on August 4, 2008.
2. The pending claims 18-26 and 29-38 are examined and rejected and the rejection is Final.

Response to Arguments

3. Applicant's arguments filed August 4, 2008 have been fully considered but they are not persuasive. The applicant argue that Ghannam does not disclose the “receiving” and “creating” steps as recited in claims 18, 29 and 38. *The examiner disagree because Ghannam does disclose a graphical user interface (Figs. 9-14) that enables user (administrator) to interact, select data to transfer or archive to a warehouse, wherein such data comprises performance data capacity planning data. Ghannam also discloses within the graphical user interface creating an archive file having the selected data (e.g. performance data) (Figs. 9-14). The applicant also argues Ghannam fails to describe, among other things, archiving client management data corresponding to measurements collected by a client management tool. The examiner disagrees Ghannam discloses transferring data corresponding to measurement collected to the warehouse (archiving) via a single graphical user interface of Figs. 9-14, column 25, lines 39-61).*

The applicant argument regarding to Mullen seems persuasive, thus the rejection by Mullen is withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 18-26 and 29-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Ghannam et al (6,651,062).

With regard to claims 18, 29 and 38:

Ghannam discloses a computer system having a processor, a memory and an operating environment (**computer system 100**), the computer system operable to execute a method of archiving within a client management tool that performs both a client management function and an archiving function (for example, management systems 301-304 obtain information from network entities 305A-J, either by polling or receiving pushed data. Such information may include configuration data, performance data, or any data which is relevant to the operation and control of the network entity

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305. The method of Ghannam also stores these and other data within Management systems 301-304) (column 6, lines 41-49).

The method of Ghannam also includes receiving an entry selection indicative of a user selection to archive client management data, wherein the client management data comprises at least one of capacity planning data or performance monitoring data (as shown in Fig. 9 through 14, the graphical user interface provides a plurality of data entry fields allowing the user entry, for example, creating policies, once the user entry/selection is obtained by the method of Ghannam then create the policy based on the entry data (Figs. 9-14, column 25, lines 39-61).

Thus, Ghannam discloses a method and system of transferring data to warehouse (archiving) in a single graphical user interface (client management tool) wherein the GUI enables user to interact to selectable display object including selection of a data file and creating archive file.

With regard to claims 19 and 30:

Ghannam further discloses displaying an entry selection indicative of a date in which to extend the archive (Figs. 9-14, column 25, lines 39-61).

With regard to claims 20 and 31:

Ghannam further discloses displaying an entry selection indicative of a user designation of the date in which to extend the archive (Fig. 9, column 25, lines 39-59).

With regard to claims 21 and 32:

Ghannam further discloses receiving an entry selection indicative of a user selection to restore an archived file, for example, by selecting button 909, an

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administrator may save the policy information in database policies (column 25, lines 39-59, Fig. 9).

With regard to claims 22, 24, 33 and 35:

Ghannam further discloses displaying a list of archived files, wherein the step of receiving the user selection to restore and/or delete an archive file includes selecting one of the files in the list. For example, using the graphical user interface of Fig. 14, information maybe pulled (accessed for manipulation including deleting by application 202) or pushed (saved including restored) to the warehouse (column 11, lines 9-29, Fig. 2).

With regard to claims 23 and 34

Ghannam further discloses receiving an entry selection indicative of a user selection to delete an archived file (the GUI of Figs. 9-14 allows a user to manipulate any file or policies available for editing including deleting operation).

With regard to claims 25- 26 and 36-37:

Ghannam further discloses that the created policies may be obtained/retrieved from the database (previously stored policies, Fig. 11) prior to receiving input from the user to create a new policy. Alternatively, a user is allowed to create a policy (Fig. 9) prior to retrieving/ obtaining another created policy, such as from stored policies Fig. 11).

Conclusion

5. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and Figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

6. Information regarding the status of an application may be obtained from the patent application information retrieval (PAIR) system. Status information for published application may be obtained from either Private –PAIR or Public-PAIR. Status information for unpublished applications is available through Private-PAIR only. For more information about the PAIR system, please see pair-direct.uspto.gov web site. Should you have questions regarding access to the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 272-4051. The Examiner can normally be reached on M-F from 10:30 – 7:00 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Dennis, Chow, can be reached at (571) 272-7767 Art Unit 2173.

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/Tadesse Hailu/

Primary Examiner, Art Unit 2173